

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

FILED
RICHARD W. NAGEL
CLERK OF COURT

2021 FEB 16 PM 4:03

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Nicholas Thomas Berring-Billman
(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

IF THE PLAINTIFF IS A PRISONER: PRISONER # 75902-061

vs.

U.S. Penitentiary Hazelton
(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

Unit S.H.U. First Shift (8am-4pm) Staff

Unit B-01 First Shift (8am-4pm) Staff

2:21 cv 681

Judge Watson

MAGISTRATE JUDGE VASCURA

COMPLAINT

I. PARTIES TO THE ACTION:

PLAINTIFF: PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

Nicholas T. Billman #75902-061

NAME - FULL NAME PLEASE - PRINT

P.O. Box 2000 / U.S.P. - Hazelton

ADDRESS: STREET, CITY, STATE AND ZIP CODE

Bruceston Mills, WV 26525

Inmate - N/A

TELEPHONE NUMBER

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

IF YOU ARE A PRISONER FILING A CIVIL SUIT THE FOLLOWING INFORMATION IS REQUIRED:

PREVIOUS LAWSUITS:

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES () NO (X)
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

1. PARTIES TO THIS PREVIOUS LAWSUIT

PLAINTIFFS:

[Handwritten: /]

[Handwritten: /]

DEFENDANTS:

[Handwritten: /]

[Handwritten: /]

2. COURT (IF FEDERAL COURT, NAME THE DISTRICT: IF STATE COURT, NAME THE COUNTY)

[Handwritten: /]

3. DOCKET NUMBER

[Handwritten: /]

4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED

[Handwritten: /]

5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)

[Handwritten: /]

6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT

[Handwritten: /]

7. APPROXIMATE DATE OF THE DISPOSITION

[Handwritten: /]

PLACE OF PRESENT CONFINEMENT

United States Penitentiary - Hazelton

- A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?
YES ☒ NO ☐
- B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE PRISONER GRIEVANCE PROCEDURE? YES ☐ NO ☒
- C. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

2. WHAT WAS THE RESULT?

- D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.

I asked for the forms but no one
would bring me them while I requested
them. I asked for "Cop-outs", BP-8, 9, and 10.

- E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID YOU COMPLAIN TO PRISON AUTHORITIES? YES ☒ NO ☐

- F. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

I asked staff in my unit (B-01) to bring me
Mental health professionals, a lieutenant, or a
Captain. I asked for "Cop-out", BP 8, 9, 10 forms.

2. WHAT WAS THE RESULT?

No one came, No one helped, No
one answered the "Cop-outs".

DEFENDANTS:

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. United States Penitentiary-Hazelden
NAMES - FULL NAME PLEASE

Sky View Drive, Bruceton Mills, WV, 26525
ADDRESS - STREET, CITY, STATE AND ZIP CODE

2. The names of the staff
are still unknown to me. I've
3. sought to know them but no
one will tell me and staff
4. will not provide a list.

5. _____

6. _____

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.

STATEMENT OF CLAIM

PLEASE WRITE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. INCLUDE THE NAME OF ALL PERSONS INVOLVED. GIVE DATES AND PLACES.

DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS; PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

#(1) Another Inmate and myself Spent 50+ (Fifty Plus) days in a cell with a broken toilet. We were in a quarantine/Hold over unit. The toilet was Faulty and sometimes wouldn't Flush. It would leak and sometime have human waste in it For 2-6 hours. At one time we spent 72-90 hours with Feces and urine in the toilet and could not Flush it. We had to live, eat, sleep, and breathe in a room with Fecal matter in the air. I've asked to move to another cell. Asked For Matience, a Form to File a Grievance, a lieutenant, and a captian. All pleas went unanswered or we were totally ignored.

#(2) I was going through withdrawal like symtoms From my medications. (Venlafaxine 150mg and OxCarbazepine 900mg). I was out of myself, dizzy, light head, lack of motivation, and Felt sick. I was unable to stand For Count and was sent to the SHU due to this. I was assisted there where the Following happened. I was assaulted and sexually harrassed by staff. I was slapped while in cuffs. Stripped naked and made Fun of and called derogatory names in Front of 6-9 staff members at a time. These are some of their statements I can recall. "Stop being a retarded little bitch and act normal, show us

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some respect." "Strip down, and please say you cant so I can come and rip em off ya." "You tell people to suck dick, well how about I brake that candy ass jaw of yours and make you suck our dicks." "Pull and stretch your penis... Again.. Again... Again! Good nasty girl. Now roll your balls around. Good girl. Now bend over for daddy. Spread your asscheeks, wider, Spread em wider and bend down further. Ooo you a Naughty girl, with your dirty little pink asshole." "Now put them fingers in your slut mouth and move them around. Oo yeah Naughty girl. Now hows that ass and dick taste Faggot?"

And so on, all while 6-9 men egged it on and laughed. Calling me names such as (New Bitch, Faggot, Retard, Asshole, Nasty girl, Baby girl, Naughty girl, Pink Ass, et.c.) After being in the nude and going through that for 30 minutes I was handcuffed and a Lieutenant came in. He grabbed me by my neck rushed me accross the cell and slammed my head and Face off the wall. He forced himself on me and whispered "Well my little Naughty girl, I hope you understand now how the B.O.P. and Hazelton works. Welcome to Hazelton. IF I have to see you again for that lazy, disrespectful, "Oh Im sick, Oh Im sick" lathargic bullshit! Then it'll be a shame if you got killed back here or wha knows maybe even raped? Shit happens. We Find guys hanging in their cells often, hope you wont be one. HaHaHa. Now be a good Nasty girl and mind your own or Ill have to run up in that pretty little pink asshole of yours." Then they all laughed again. I was afraid then and now for my safty and my

life. I'm scared I may end up hurt, violated, or wind up dead. Never in my life have I experienced treatment like this. To be humiliated, Sexually harrassed and assaulted.

#(3) I wasn't allowed out of my cell for 50 plus days, I wasn't allowed to use the phone, email, or have recreation. I was denied access to reading materials, commissary, law library, and information in regards to the public defenders office, and Justice department addresses. I was given one clean set of clothes and 2 showers to clean myself. I was never given anything to clean my cell. No staff would help or answer my request/corrections.

#(4) My mail to home keeps "Disappearing" or Brought to me saying it can't go out ripped up or telling me it was "Destroyed". My legal mail is all copied and is never opened in my presence. Its opened, then copied, then given to me. There's no confidentiality or protection in place.

- Nicholas T. Biltm
75902-061

RELIEF

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

Seek righteousness and justice against the staff/men who humiliated and assaulted me. Protect me from other staff who might retaliate against me. Move me to a safer location. Restitution/compensation for my ordeals, and how I was forced to live. Some type of relief on my current sentence.

SIGNED THIS 10th DAY OF February 2021.


SIGNATURE OF PLAINTIFF